

MAR 14 2007

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: March 12, 2007

Name: Tadashi Horie (Reg. No. 40,437)

Signature: 

IFW

BRINKS
HOFFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Motoharu Miyake et al.

Appln. No.: 10/807,505

Filed: March 23, 2004

For: COMMUNICATION DEVICE,
TRANSMISSION CONTROL METHOD, AND
PROGRAM PRODUCT

Examiner: Baker, Stephen M

Art Unit: 2133

Attorney Docket No: 9683/173

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal (in duplicate); Second Supplemental Information Disclosure Statement; Form PTO-1449; 2 References (C2-C3)
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

March 12, 2007

Date


Tadashi Horie (Reg. No. 40,437)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(c), Applicants hereby cite the following references:

U.S. PATENT

DOCUMENT NUMBER <small>Number-kind Code (if known)</small>	DATE	NAME
2002/150048	Oct. 17, 2002	Ha et al.

OTHER DOCUMENTS

European Search Report dated December 19, 2006
Kumar, A., "Comparative Performance Analysis of Versions of TCP in a Local Network with a Lossy Link," IEEE/ACM Transactions on Networking, vol. 6, no. 4, August 1, 1998.

Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). Reference C2 is a European Search Report issued for the counterpart European application. References C1 and C3 were cited in the Search Report. As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R.

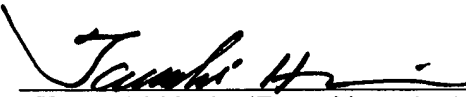
§1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants certify under 37 C.F.R. §1.97(e)(1) that each item of information in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement. Accordingly, Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

March 12, 2007
Date


Tadashi Horie (Reg. No. 40, 437)

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Chicago, IL 60610
(312) 321-4200



FORM PTO 149	SERIAL NO. 10/807,505	CASE NO. 9683/173
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE March 23, 2004	GROUP ART UNIT 2133
(use several sheets if necessary)		APPLICANT(S): Motoharu Miyake et al.

REFERENCE DESIGNATION**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	C1	2002/150048	10/17/2002	Ha et al.		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>	
	C2	European Search Report dated December 19, 2006
	C3	Kumar, A., "Comparative Performance Analysis of Versions of TCP in a Local Network with a Lossy Link," IEEE/ACM Transactions on Networking, vol. 6, no. 4, August 1, 1998.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.